

LIEUTENANT GOVERNOR'S OFFICE - LOCAL CAMPAIGN FINANCE DISCLOSURE

October 15, 2014

Local Campaign Finance Disclosure

- Municipal Disclosures are regulated by UCA §10-3-208
- 10-3-208(4) allows a municipality to:
 - ▣ Provide a reporting limit lower than \$50
 - ▣ Require greater disclosure
 - ▣ Impose additional penalties
- Most municipalities are following the code as written in 10-3-208

Defining “Contribution”

State Disclosure Statute

- “Contribution” means any of the following when done for political purposes:
 - ▣ (a) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity
 - ▣ (b) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity
 - ▣ (c) any transfer of funds from another reporting entity to the filing entity
 - ▣ (d) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity
 - ▣ (e) remuneration from: (i) any organization or its directly affiliated organization that has a registered lobbyist; or (ii) any agency or subdivision of the state, including school districts
 - ▣ (f) a loan made by a candidate deposited to the candidate's own campaign fund; and
 - ▣ (g) in-kind contributions

Local Disclosure Statute

- No definition provided

Defining “Expenditure”

State Disclosure Statute

- Expenditure means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:
 - ▣ (a) any disbursement from contributions, receipts, or from the separate bank account required by this chapter
 - ▣ (b) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes
 - ▣ (c) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes
 - ▣ (d) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity
 - ▣ (e) transfer of funds between the filing entity and a candidate's personal campaign committee; or
 - ▣ (f) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value

Local Disclosure Statute

- No definition provided

Defining “Candidate”

State Disclosure Statute

- “Candidate” means any person who:
 - ▣ (a) files a declaration of candidacy for a public office; or
 - ▣ (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office

Local Disclosure Statute

- No definition provided

Defining “Personal Use”

State Disclosure Statute

- 20A-11-104 defines “personal use” and outlines what is and isn’t acceptable.

Local Disclosure Statute

- Local statute does not define or outline personal use.

Defining “In-kind Contribution”

State Disclosure Statute

- “In-kind contribution” means:
 - ▣ anything of value other than money, that is accepted by or coordinated with a filing entity

Local Disclosure Statute

- No definition provided

Possible Change

State Disclosure Statute

- 20A-11-204:
 - (b) Except as provided in Subsection (1)(c), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
 - (i) seven days before the candidate's political convention;
 - (ii) seven days before the regular primary election date;

Local Disclosure Statute

- 10-3-208(2)(a)
 - Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement . . . ~~no later than~~ seven days before the date of the municipal general election.

Policy Consideration - Reporting Regularity

State Disclosure Statute

- 4 election year interim reports
- 1 year-end report
- Must account for all funds before closing account (zero out)
- Must file yearly report until account is closed

Local Disclosure Statute

- Report 7 days before election and 30 days after the election
- No year-end reports
- No mechanism for tracking finances between campaigns

Policy Consideration - Thresholds

State Disclosure Statute

- All Contributions and Expenditures must be reported
- Individual contributions of \$50 or less may be reported in the aggregate

Local Disclosure Statute

- Candidates can report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.
 - 10-3-208(2)(b)(ii)